

Agency Legislative Budget

The following table summarizes the total legislative budget for the agency by year, type of expenditure, and source of funding. Also included in the table is House Bill 447 pay plan allocation.

Agency Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	374.68	(14.00)	30.45	391.13	(14.00)	31.45	392.13	392.13
Personal Services	20,667,511	503,938	2,116,630	23,288,079	463,193	3,195,724	24,326,428	47,614,507
Operating Expenses	12,040,075	1,652,382	3,598,711	17,291,168	2,002,364	(5,831,473)	8,210,966	25,502,134
Equipment	303,670	17,310	0	320,980	25,965	0	329,635	650,615
Grants	535,058	(535,058)	0	0	(535,058)	0	0	0
Total Costs	\$33,546,314	\$1,638,572	\$5,715,341	\$40,900,227	\$1,956,464	(\$2,635,749)	\$32,867,029	\$73,767,256
General Fund	31,031,278	2,368,908	5,249,523	38,649,709	2,687,870	(3,149,087)	30,570,061	69,219,770
State/Other Special	2,378,886	(1,286,696)	463,785	1,555,975	(1,287,566)	508,056	1,599,376	3,155,351
Federal Special	136,150	556,360	2,033	694,543	556,160	5,282	697,592	1,392,135
Total Funds	\$33,546,314	\$1,638,572	\$5,715,341	\$40,900,227	\$1,956,464	(\$2,635,749)	\$32,867,029	\$73,767,256

Agency Description

Article III, Section I, and Article VII of the Montana Constitution authorize the Judicial Branch. The Judiciary consists of six programs: 1) the Supreme Court operations; 2) Boards and Commissions; 3) the Law Library; 4) the District Court Operations program; 5) the Water Court Supervision program; and 6) the Clerk of the Supreme Court. The Judiciary describes its mission as providing an independent, accessible, responsive, impartial and timely forum to resolve disputes; to preserve the rule of law; and to protect the rights and liberties guaranteed by the Constitutions of the United States and Montana.

Agency Highlights

Judiciary Major Budget Highlights	
<ul style="list-style-type: none"> ◆ The legislature: <ul style="list-style-type: none"> • Provided an increase in funding for public defender costs during the 2007 biennium of \$2.3 million • Added a public defender office beginning FY 2007 and transferred all of the Judiciary's public defender functions, costs totaling \$8.2 million, and 1.50 FTE to the Statewide Public Defender Office • Continued a \$10.00 fee on certain court filings but deposited this fee into the general fund to pay for an information technology effort that includes 17.00 FTE and \$3.9 million and removed 14.00 FTE and \$2.7 million funded by state special revenue in the previous biennium • Added \$1.1 million for the purchase of software licenses in order to have all courts on the same case management system • Provided funding of \$2 million for forensic psychiatric evaluations to determine a defendant's fitness to proceed in a criminal trial • Added a new judgeship in Gallatin County that includes 4.00 FTE and \$0.4 million for the biennium • Approved \$2.2 million for the HB 447 pay plan increase • Funded all federal grants in the amount of \$1.3 million 	

Agency Discussion

Information Technology – Case Management Systems

The legislature approved \$1.1 million in general fund to purchase case management systems and related technology for district courts and courts of limited jurisdiction. This appropriation was \$0.2 million less than the amount requested by the Judiciary. The Judiciary plans to delay the deployment of a jury management system to adhere to the limitation in funding.

Montana's courts and judicial offices use varying levels of information technology to meet their case management needs. The Supreme Court, the Water Court, and Montana's youth courts do not have automated case management systems. The district courts use a case management system that was developed and deployed by in-house technical staff from the Office of the Supreme Court Administrator (OCA) during the early 1990's. Approximately one-half of the courts of limited jurisdiction use a case management system called FullCourt, which began being installed in 2001. The remaining courts of limited jurisdiction use an older case management system provided by local government or by the OCA. The OCA is responsible for the installation and ongoing administration of the case management systems that are used by the courts of limited jurisdiction. As a result of the approval of this funding, the Judiciary committed to complete the purchase and installation of FullCourt in all district courts and the remaining courts of limited jurisdiction during the 2007 biennium.

The legislature asked the Judiciary to respond to two major problems with the Judiciary's current information technology plan. First, courts do not use similar systems and second, the systems that are used are not administered from a central database. The Judiciary stated that all district courts and courts of limited jurisdiction would have the use of FullCourt by the end of the 2007 biennium. The Judiciary also stated that these systems would be managed by a central database that is currently being deployed using a federal grant. These systems will be able to communicate with each other or with other court levels. The Judiciary will move from operating and maintaining 238 independent systems to one integrated centrally managed system. This system will allow for the timely extraction and reporting of caseload data on a consolidated basis. This system will also allow for upgrades from a centralized site.

Information Technology Program – Funding of Maintenance Activities

The 2005 legislature passed HB 536, which provides general fund of \$1.935 million in each fiscal year of the 2007 biennium, and 17.00 FTE to fund the Judiciary's information technology effort. During the 2005 biennium, the court's information technology program was funded as per 3-1-317, MCA with a \$10 user surcharge paid by defendants in criminal cases and on the initiating party in civil and probate cases. The information technology program was appropriated \$1.8 million per year; however, the collection of the fees during FY 2004 was approximately \$1.4 million, creating a funding shortage of \$0.4 million. To address this cash shortfall, the Judiciary halted the deployment of case management system upgrades in district courts and courts of limited jurisdiction. HB 536 deposits this surcharge into the general fund.

Office of the State Public Defender – SB 146

The 2005 legislature passed SB 146, which established the Office of State Public Defender. As a result of this legislation, the Judiciary will transfer the functions of managing and funding public defender services for district court cases to the Office of State Public Defender effective July 1, 2006. This transfer will include 1.50 FTE and \$8.1 million in general fund authority. This funding is primarily for public defender services provided by seven county-managed public defender offices, services provided by private attorneys that contracted with the state, transcripts, private investigator services, and witness fees and expenses. The Judiciary will continue to provide these services during FY 2006. The Office of State Public Defender is expected to be fully operational by July 1, 2006.

SB 146 is partially in response to a lawsuit filed in district court by the American Civil Liberties Union (ACLU) against the State of Montana and Missoula County. The ACLU alleges that defendants that are indigent are not being provided public defender services in a fair and consistent manner among jurisdictions. Also, the ACLU argues that the current system of public defense in the state creates a conflict of interest when the judge appoints a public defender for a case that is being adjudicated by that judge. The attorney general and the ACLU signed a stipulation placing the lawsuit on hold pending the actions of the 2005 legislature and the outcome of the proposed legislation. After the legislation was passed,

the ACLU sent a letter to the district judge asking that the trial date be cancelled indefinitely. However, part of the settlement agreement states that the public defender system must be adequately funded by the state. The ACLU is still reviewing this issue.

The public defender system as passed by SB 146 provides public defender services in criminal and certain civil cases for any individual who is: 1) determined to be financially unable to retain private counsel; and 2) accused of an offense that could result in the person's loss of life or liberty if the person is convicted. The system will provide public defender services in the Supreme Court or in any district court, justice court, or city or municipal court in the state. A Public Defender Commission, comprised of seven individuals appointed by the Governor, will head the statewide system. The commission will oversee a Chief Public Defender Office responsible for managing regional public defender offices, contracts with private attorneys, and the appellate defender function.

Supplemental Appropriations

The legislature approved a supplemental appropriation in the amount of \$6.8 million for the Judicial Branch. This supplemental funding is comprised of \$5.8 million for the district court assumption program and \$1.0 million for "unfit to proceed" costs.

The \$5.8 million for the district court assumption program is mostly due to expenditures associated with public defender variable costs. These expenditures include payments made to county-managed public defender offices and private attorneys that provide public defender services for the district courts. The conditions that created this supplemental are caseload driven and are expected to continue into the 2007 biennium.

The \$1.0 million for "unfit to proceed" costs are due to expenditures made to determine if an individual accused of a crime is fit to stand trial. Prior to FY 2005 these expenditures were incurred by the Department of Public Health and Human Services (DPHHS). However, a Legislative Audit Division audit determined that by statute, these expenditures must be charged to the Judiciary. There is a zero net impact to the general fund because DPHHS will deposit a like amount into the general fund.

Summary of Legislative Action

The legislature increased FTE by 17.45 in the 2007 biennium over the base budget. Total funding increased by \$6.7 million when comparing the 2007 biennium budget with the base budget. General fund increased by \$7.2 million, state special revenues decreased by \$1.6 million, and federal funds increased by \$1.1 million. The reasons for these changes are as follows:

- General fund increases by \$7.2 million over the base budget mostly due to:
 - An appropriation for the purchase of case management software licenses for district courts and courts of limited jurisdiction for \$1.1 million
 - \$3.9 million and 17.00 FTE to support court information technology as per the provision of HB 536
 - \$0.4 million and 4.95 FTE to support district court work load
 - Funding for public defender costs of \$2.3 million
 - Funding of \$2.0 million for forensic psychiatric evaluations to determine a defendant's fitness to proceed in a criminal trial
 - Transfer \$8.2 million and 1.50 FTE to the Statewide Public Defender Office as per the provisions of SB 146
 - \$0.4 million and 4.00 FTE for a new judgeship in the 18th Judicial District in Gallatin County as per the provisions of SB 18
 - \$2.2 million from HB 447 pay plan increase
 - Statewide present law adjustments
- State special funds decrease by \$1.6 million from the base budget mostly due to:
 - The removal of 14.00 FTE and \$2.7 million that supported court information technology

- An appropriation of \$0.3 million for fees collected from youth courts used to maintain video conferencing equipment
 - An increase of 7.00 FTE and \$0.8 million to accelerate the water adjudication process as per the provisions of HB 22
- Federal funds increased by \$1.1 million over the base budget mostly due to the approval of an appropriation for various federal grants

Funding

The following table summarizes funding for the agency, by program and source, as adopted by the legislature. Funding for each program is discussed in detail in the individual program narratives that follow.

Total Agency Funding					
2007 Biennium Legislative Budget					
Agency Program	General Fund	State Spec.	Fed Spec.	Grand Total	Total %
01 Supreme Court Operations	\$ 12,218,281	\$ 364,651	\$ 392,135	\$ 12,975,067	17.59%
02 Boards And Commissions	495,075	50,000	-	545,075	0.74%
03 Law Library	1,669,612	-	-	1,669,612	2.26%
04 District Court Operations	54,027,928	300,000	1,000,000	55,327,928	75.00%
05 Water Courts Supervision	-	2,440,700	-	2,440,700	3.31%
06 Clerk Of Court	808,874	-	-	808,874	1.10%
Grand Total	<u>\$ 69,219,770</u>	<u>\$ 3,155,351</u>	<u>\$ 1,392,135</u>	<u>\$ 73,767,256</u>	<u>100.00%</u>

The general fund supports the Supreme Court Operations program, the Boards and Commissions Program, the State Law Library, the District Court Operations Program, and the Clerk of the Supreme Court.

State special funds include:

- A fee charged to holders of water rights to fund the acceleration of the adjudication of water rights.
- A filing fee for divorce cases used to pay for the defense of indigent victims of domestic violence.
- Funds from counties that are used to pay for employee leave liabilities that came from the assumption of the District Courts.
- Funds collected by youth courts for the cost of treatment, counseling, and other support for community programs for youth and juvenile offenders involved in youth courts.
- Fees imposed by the Courts of Limited Jurisdiction that are used for training judges and funding from attorney investigation repayments.
- Funds from the resource indemnity and ground water assessment (RIGWA) tax and interest from the Resource Indemnity Trust (RIT) to fund the Water Court's operations.

Federal funds are used to manage the court assessment program, the court-appointed special advocate program, and various programs within the judicial districts.

Other Legislation

House Bill 22 – This bill provides for a fee on the users of water rights to be directed to a state special revenue account that will be used to fund the acceleration of the adjudication of water rights. The Water Court Supervision program will receive a portion of this fee to fund the addition of 7.00 FTE and associated operating costs to assist in the acceleration process. (This legislation was deemed void by the code commissioner due to the fact that sufficient funding was not made available from other sources. Subsequently a request for a legal opinion has been made to the Attorney General. Codification of the bill is on hold until this opinion is received.)

House Bill 536 – This bill (combined with HB 2) provides for general fund of \$1,935,000 in each fiscal year to add 17.00 FTE and operating costs to support the Judiciary's information technology program. The bill removes the termination date for the \$10 court automation surcharge and the proceeds from that surcharge are to be deposited into the general fund.

Senate Bill 18 – This bill provides general fund of \$157,477 and 2.00 FTE in FY 2006 and \$270,615 and 4.00 FTE in FY 2007 to support a new judgeship in the 18th Judicial District in Gallatin County.

Senate Bill 146 – This bill establishes the statewide public defender system and transfers from the Judiciary to the Office of the Public Defender 1.50 FTE and general fund of \$8.2 million beginning July 1, 2006 related to payments for defense of indigent individuals accused of a crime in district court proceedings.

Senate Bill 355 – This bill revises the payment of transcript fees to court reporters and requires the Judiciary to pay for transcripts requested by the state attorney general or county attorneys in appeals to a district court ruling in a criminal trial.

Senate Bill 406 – This bill provides state special revenue from an increase in the filing fee for dissolution of marriage petition and uses these funds for legal assistance for indigent victims of domestic violence.

Executive Budget Comparison

The following table compares the legislative budget for the 2007 biennium to the budget requested by the Governor, by type of expenditure and source of funding.

Budget Item	Base Budget Fiscal 2004	Executive Budget Fiscal 2006	Legislative Budget Fiscal 2006	Leg – Exec. Difference Fiscal 2006	Executive Budget Fiscal 2007	Legislative Budget Fiscal 2007	Leg – Exec. Difference Fiscal 2007	Biennium Difference Fiscal 06-07
FTE	374.68	379.13	391.13	12.00	379.13	392.13	13.00	
Personal Services	20,667,511	22,688,330	23,288,079	599,749	22,002,333	24,326,428	2,324,095	2,923,844
Operating Expenses	12,040,075	17,272,533	17,291,168	18,635	16,180,334	8,210,966	(7,969,368)	(7,950,733)
Equipment	303,670	320,980	320,980	0	329,635	329,635	0	0
Grants	535,058	0	0	0	0	0	0	0
Total Costs	\$33,546,314	\$40,281,843	\$40,900,227	\$618,384	\$38,512,302	\$32,867,029	(\$5,645,273)	(\$5,026,889)
General Fund	31,031,278	37,851,033	38,649,709	798,676	36,725,110	30,570,061	(6,155,049)	(5,356,373)
State/Other Special	2,378,886	1,738,300	1,555,975	(182,325)	1,094,882	1,599,376	504,494	322,169
Federal Special	136,150	692,510	694,543	2,033	692,310	697,592	5,282	7,315
Total Funds	\$33,546,314	\$40,281,843	\$40,900,227	\$618,384	\$38,512,302	\$32,867,029	(\$5,645,273)	(\$5,026,889)

The legislative budget is \$0.6 million and 12.00 FTE above the executive budget for FY 2006 and has 13.00 more FTE but \$5.6 million less funding for FY 2007. The major changes from the executive budget are:

- The legislature reduced the executive budget request for general fund of \$1.4 million to purchase software licenses for district courts and courts of limited jurisdiction by \$0.3 million in FY 2006.
- The legislature approved the Judiciary's request for \$9,367 in FY 2006 and \$9,301 in FY 2007 in general fund to provide matching funds for the CASA program. This program is funded with 75 percent federal funds and 25 percent general fund.
- The legislature did not approve \$75,000 in general fund for a work assessment study in fiscal 2006.
- The legislature approved state special revenue to support youth court community programs. However, the legislature reduced the executive request by \$3,562 in each fiscal year of the biennium from \$153,562 to \$150,000. These programs are funded with a state special revenue received from users of the court's video conferencing equipment.
- The legislature did not approve the removal of 5.00 FTE and \$0.3 million in general fund from each year of the biennium in district court operations.
- The legislature did not approve 1.50 FTE and general fund of \$0.1 million in FY 2006 and 1.50 FTE and general fund of \$0.1 million in FY 2007 to support an appellate mediator function.
- The legislature approved 6.50 FTE and \$416,690 in state special revenue in FY 2006 and 7.00 FTE and \$416,690 in state special revenue in FY 2007 to accelerate the water adjudication process. A fee assessed on the holders of water rights funds this activity.

- The legislature approved the transfer of 1.50 FTE and \$43,725 in general fund in FY 2007 from Supreme Court Operations to the Statewide Public Defender Office as per the provisions of SB 146.
- The legislature approved general fund of \$209,508 in FY 2006 to support legal services for indigent parents in child abuse and neglect cases.
- The legislature approved \$23,530 in FY 2006 and \$31,370 in FY 2007 in state special revenue to allow for increased payments to a nonprofit organization to render legal services to indigent persons in domestic violence cases. This funding is in accordance with SB 406.
- The legislature approved \$5,000 in general fund for each year of the 2007 biennium to cover increased costs of transcripts requested by the county attorney or the attorney general when appealing district court rulings in a criminal trial.
- The legislature approved general fund of \$157,477 and 2.00 FTE in FY 2006 and general fund of \$270,615 and 4.00 FTE in FY 2007 to support a new judgeship in the 18th Judicial District.
- The legislature approved the transfer of \$8.1 million in FY 2007 from the District Court Operations program to the Statewide Public Defender Office as per the provisions of SB 146.
- The legislature approved pay plan increases in HB 447 of \$0.6 million in FY 2006 and \$1.6 million in FY 2007.

Governor Line-Item Veto

The governor vetoed a line item that had \$0.6 million to fund vacation and sick leave for county employees that became state employees as per the district court assumption.

Program Legislative Budget

The following table summarizes the total legislative budget for the program by year, type of expenditure, and source of funding. Also included in the table is House Bill 447 pay plan allocation.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	52.00	(14.00)	17.00	55.00	(14.00)	15.50	53.50	53.50
Personal Services	3,088,183	(459,221)	963,540	3,592,502	(460,896)	1,067,357	3,694,644	7,287,146
Operating Expenses	1,123,215	93,295	2,187,356	3,403,866	58,229	1,102,611	2,284,055	5,687,921
Equipment	0	0	0	0	0	0	0	0
Grants	535,058	(535,058)	0	0	(535,058)	0	0	0
Total Costs	\$4,746,456	(\$900,984)	\$3,150,896	\$6,996,368	(\$937,725)	\$2,169,968	\$5,978,699	\$12,975,067
General Fund	3,102,822	400,140	3,122,456	6,625,418	363,599	2,126,442	5,592,863	12,218,281
State/Other Special	1,507,484	(1,357,484)	26,407	176,407	(1,357,484)	38,244	188,244	364,651
Federal Special	136,150	56,360	2,033	194,543	56,160	5,282	197,592	392,135
Total Funds	\$4,746,456	(\$900,984)	\$3,150,896	\$6,996,368	(\$937,725)	\$2,169,968	\$5,978,699	\$12,975,067

Program Description

This program contains funding to support the operations of the Supreme Court and the operations of the Office of the Court Administrator. The Supreme Court has appellate jurisdiction for the State of Montana and original jurisdiction to issue, hear, and determine writs of habeas corpus and other such writs as may be provided by law. It also has general supervisory control over all other courts in the state including the responsibility for the management of district court costs and operations. The Supreme Court administers the federal court assessment program and the court-appointed special advocate program. The Supreme Court is charged with establishing rules governing appellate procedure, the practice and procedure for all other courts, admission to the bar, and the conduct of its members. The Supreme Court consists of a Chief Justice and six justices. The Office of the Court Administrator provides administrative services for all of the programs under the Judiciary, including: accounting and budgeting, human resources, and information technology.

Program Highlights

Judiciary Supreme Court Operations Major Budget Highlights	
<ul style="list-style-type: none"> ○ General fund increases by \$6.0 million over the base budget due to: <ul style="list-style-type: none"> • An appropriation to purchase software licenses for District Courts and Courts of Limited Jurisdiction for \$1.1 million • 17.00 FTE and \$3.9 million to support court automation • \$0.3 million from HB 447 pay plan increase • Statewide present law statewide adjustments • Transfer of 1.50 FTE and \$44,000 to the Statewide Public Defender Office ○ State special funds decreased by \$2.6 million from the base budget due to the removal of 14.00 FTE and funding for the court automation program as per a funding switch authorized in HB 536 	

Funding

The following table shows program funding, by source, for the base year and the 2007 biennium as adopted by the legislature.

		Program Funding Table Supreme Court Operations					
Program Funding		Base FY 2004	% of Base FY 2004	Budget FY 2006	% of Budget FY 2006	Budget FY 2007	% of Budget FY 2007
01000	Total General Fund	\$ 3,102,822	65.4%	\$ 6,625,418	94.7%	\$ 5,592,863	93.5%
	01100 General Fund	3,102,822	65.4%	6,625,418	94.7%	5,592,863	93.5%
02000	Total State Special Funds	1,507,484	31.8%	176,407	2.5%	188,244	3.1%
	02342 Court Automation Surcharge	1,357,484	28.6%	2,877	0.0%	6,874	0.1%
	02536 Legal Assistance	150,000	3.2%	173,530	2.5%	181,370	3.0%
03000	Total Federal Special Funds	136,150	2.9%	194,543	2.8%	197,592	3.3%
	03230 Fed Grant-Pass-Thru-Jud	136,150	2.9%	194,543	2.8%	197,592	3.3%
Grand Total		<u>\$ 4,746,456</u>	<u>100.0%</u>	<u>\$ 6,996,368</u>	<u>100.0%</u>	<u>\$ 5,978,699</u>	<u>100.0%</u>

This program is funded primarily with general fund and a minor amount of state special and federal funds. State special funds include a filing fee for divorce cases that is earmarked to pay for the legal defense costs of indigent victims of domestic violence. Federal grants support a grant manager, the court assessment program, and the court-appointed special advocate program. These funds require a 25 percent match, which is met with general fund.

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget made by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Legislative decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments									
-----Fiscal 2006-----					-----Fiscal 2007-----				
FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services				216,847					213,886
Inflation/Deflation				(3,724)					(3,637)
Fixed Costs				179,559					144,480
Total Statewide Present Law Adjustments				\$392,682					\$354,729
DP 4 - Eliminate District Court Automation Program									
(14.00)	0	(1,369,312)	0	(1,369,312)	(14.00)	0	(1,368,109)	0	(1,368,109)
DP 5 - Court Assessment/CASA									
0.00	0	0	66,279	66,279	0.00	0	0	66,354	66,354
DP 306 - Court Assessment/CASA - General Fund									
0.00	9,367	0	0	9,367	0.00	9,301	0	0	9,301
Total Other Present Law Adjustments									
(14.00)	\$9,367	(\$1,369,312)	\$66,279	(\$1,293,666)	(14.00)	\$9,301	(\$1,368,109)	\$66,354	(\$1,292,454)
Grand Total All Present Law Adjustments				(\$900,984)					(\$937,725)

DP 4 - Eliminate District Court Automation Program - The legislature approved the elimination of the court automation program that was funded with a \$10.00 surcharge on certain court case filings as authorized by 3-1-317, MCA. This surcharge is earmarked to pay for the court automation program and expires at the end of FY 2005. Therefore, this decision package eliminates the budget for the program as funded by this surcharge. The function will be funded with general fund (refer to DP 111).

DP 5 - Court Assessment/CASA - The legislature approved \$132,633 in federal funds that support the Court Assessment Program (CAP) and the Court Appointed Special Advocate Program (CASA). CAP provides for the evaluation of the effectiveness of child abuse and neglect proceedings within the Montana legal system. This program is funded with 75

percent federal funds and 25 percent general fund (see DP 306). The CASA program is a federal program that provides for court appointed special advocates to represent youth in child abuse and neglect proceedings.

DP 306 - Court Assessment/CASA - General Fund - The legislature approved general fund to support the matching requirement for federal funding for the Court Assessment Program and the Court Appointed Special Advocate Program. This matching requirement is 25 percent of the total funding and federal funding represents 75 percent of the funding.

New Proposals

New Proposals										
Program	FTE	Fiscal 2006				Fiscal 2007				
		General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 5 - Purchase Software Licenses - OTO										
01	0.00	1,095,000	0	0	1,095,000	0.00	0	0	0	0
DP 111 - Support Information Technology for the Judicial Br										
01	17.00	1,935,000	0	0	1,935,000	17.00	1,935,000	0	0	1,935,000
DP 307 - Transfer FTE to Public Defender										
01	0.00	0	0	0	0	(1.50)	(43,725)	0	0	(43,725)
DP 309 - Indigent Victims Domestic Violence										
01	0.00	0	23,530	0	23,530	0.00	0	31,370	0	31,370
DP 6010 - 2007 Biennium Pay Plan - HB 477										
01	0.00	92,456	2,877	2,033	97,366	0.00	235,167	6,874	5,282	247,323
Total	17.00	\$3,122,456	\$26,407	\$2,033	\$3,150,896	15.50	\$2,126,442	\$38,244	\$5,282	\$2,169,968

DP 5 - Purchase Software Licenses - OTO - The legislature approved a one-time-only, restricted, and biennial appropriation to purchase initial software application licenses for district courts and the remaining courts of limited jurisdiction. The court software is the "JSI-Full Court Case Management System."

DP 111 - Support Information Technology for the Judicial Branch - The legislature approved 17.00 FTE and \$1,935,000 in general fund in FY 2006 and 17.00 FTE and \$1,935,000 in general fund in FY 2007 to support the information technology program for the Judicial branch. HB 536 extended the \$10.00 surcharge on certain court filings and directed that it be deposited into the general fund. Revenues are anticipated to be approximately \$1.6 million per fiscal year.

DP 307 - Transfer FTE to Public Defender - The legislature approved the transfer of 1.50 FTE and \$43,725 in general fund in FY 2007 from the Supreme Court Operations to the Office of Public Defender to support the new office. This transfer is in relation to SB 146.

DP 309 - Indigent Victims Domestic Violence - The legislature approved state special revenue of \$23,530 in FY 2006 and \$31,370 in FY 2007 to support legal assistance for indigent victims of domestic violence. The state special revenue is from a \$10.00 increase on the fee for petition for dissolution of marriage.

DP 6010 - 2007 Biennium Pay Plan - HB 477 - The legislature passed a pay plan in HB 447 that provides an additional 3.5 percent (or \$1,005, whichever is greater) in FY 2006 and an additional 4.0 percent (or \$1,188, whichever is greater) in FY 2007, as well as \$46 per month in insurance contributions in calendar 2006 and an additional \$51 per month in calendar 2007. These amounts represent the program's allocation of costs to fund this pay plan.

Program Legislative Budget

The following table summarizes the total legislative budget for the program by year, type of expenditure, and source of funding. Also included in the table is House Bill 447 pay plan allocation.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	3.00	0.00	0.00	3.00	0.00	0.00	3.00	3.00
Personal Services	79,543	39,501	3,525	122,569	39,326	9,232	128,101	250,670
Operating Expenses	135,657	24,043	0	159,700	(952)	0	134,705	294,405
Total Costs	\$215,200	\$63,544	\$3,525	\$282,269	\$38,374	\$9,232	\$262,806	\$545,075
General Fund	215,200	38,544	3,525	257,269	13,374	9,232	237,806	495,075
State/Other Special	0	25,000	0	25,000	25,000	0	25,000	50,000
Total Funds	\$215,200	\$63,544	\$3,525	\$282,269	\$38,374	\$9,232	\$262,806	\$545,075

Program Description

The Boards and Commissions Program oversees functions assigned to the Supreme Court either by legislative or constitutional mandate. The program manages judicial discipline, rules, and other substantive matters aimed at improving and maintaining the administration of justice. Commissions and boards included in the program are the Judicial Standards Commission; Sentence Review Commission; Commission on Practice; Commission on Courts of Limited Jurisdiction; and the Judicial Nominations Commission.

Program Highlights

Judiciary Boards and Commissions Major Budget Highlights	
♦	Total funding increases by \$114,000 over the base budget due to: <ul style="list-style-type: none"> • \$25,000 appropriation for judicial standards investigations • HB 447 pay plan increases • Statewide present law adjustments

Funding

The following table shows program funding, by source, for the base year and the 2007 biennium as adopted by the legislature.

Program Funding Table Boards And Commissions							
Program Funding		Base FY 2004	% of Base FY 2004	Budget FY 2006	% of Budget FY 2006	Budget FY 2007	% of Budget FY 2007
01000	Total General Fund	\$ 215,200	100.0%	\$ 257,269	91.1%	\$ 237,806	90.5%
	01100 General Fund	215,200	100.0%	257,269	91.1%	237,806	90.5%
02000	Total State Special Funds	-	-	25,000	8.9%	25,000	9.5%
	02399 Boards And Commissions - Mji	-	-	25,000	8.9%	25,000	9.5%
Grand Total		\$ 215,200	100.0%	\$ 282,269	100.0%	\$ 262,806	100.0%

This program is funded with a combination of general fund and state special revenues. State special revenue is from a fee imposed by the courts of limited jurisdiction for training and attorney investigation repayments.

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget made by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Legislative decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments										
-----Fiscal 2006-----						-----Fiscal 2007-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					39,501					39,326
Inflation/Deflation					(117)					(112)
Fixed Costs					(840)					(840)
Total Statewide Present Law Adjustments					\$38,544					\$38,374
DP 2 - Judicial Standards Investigations - Rest/Biennial										
	0.00	25,000	0	0	25,000	0.00	0	0	0	0
Total Other Present Law Adjustments	0.00	\$25,000	\$0	\$0	\$25,000	0.00	\$0	\$0	\$0	\$0
Grand Total All Present Law Adjustments					\$63,544					\$38,374

DP 2 - Judicial Standards Investigations - Restricted/Biennial - The legislature approved \$25,000 in general fund that would be both a restricted and a biennial appropriation for the constitutionally mandated Judicial Standards Commission. This commission investigates complaints and makes recommendations regarding the conduct of judicial officers. The amounts that were expended during FY 2004 were removed from the base because this is a zero based expenditure. This funding can only be used to pay for the investigations of complaints against judges. If the costs were not incurred, the funds would revert to the general fund.

New Proposals

New Proposals										
-----Fiscal 2006-----						-----Fiscal 2007-----				
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 6010 - 2007 Biennium Pay Plan - HB 477										
02	0.00	3,525	0	0	3,525	0.00	9,232	0	0	9,232
Total	0.00	\$3,525	\$0	\$0	\$3,525	0.00	\$9,232	\$0	\$0	\$9,232

DP 6010 - 2007 Biennium Pay Plan - HB 477 - The legislature passed a pay plan in HB 447 that provides an additional 3.5 percent (or \$1,005, whichever is greater) in FY 2006 and an additional 4.0 percent (or \$1,188, whichever is greater) in FY 2007, as well as \$46 per month in insurance contributions in calendar 2006 and an additional \$51 per month in calendar 2007. These amounts represent the program's allocation of costs to fund this pay plan.

Program Legislative Budget

The following table summarizes the total legislative budget for the program by year, type of expenditure, and source of funding. Also included in the table is House Bill 447 pay plan allocation.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	7.50	0.00	0.00	7.50	0.00	0.00	7.50	7.50
Personal Services	333,852	26,123	10,377	370,352	25,764	27,034	386,650	757,002
Operating Expenses	131,447	(450)	0	130,997	(449)	0	130,998	261,995
Equipment	303,670	17,310	0	320,980	25,965	0	329,635	650,615
Total Costs	\$768,969	\$42,983	\$10,377	\$822,329	\$51,280	\$27,034	\$847,283	\$1,669,612
General Fund	768,969	42,983	10,377	822,329	51,280	27,034	847,283	1,669,612
Total Funds	\$768,969	\$42,983	\$10,377	\$822,329	\$51,280	\$27,034	\$847,283	\$1,669,612

Program Description

The State Law Library houses reference materials used by the Supreme Court, lower courts, the legislature, state officers and employees, members of the bar, and the general public. The collection includes legal materials from the federal government and all 50 states, as well as Canada. Some of the books and materials contained in the library include treatises, law reviews, reports, microfilm, and audio/video tapes for continuing legal education. A party may access much of the Library's information on their Internet site. The State Law Library is governed by a Board of Trustees, which consists of the Supreme Court justices.

Program Highlights

Judiciary Law Library Major Budget Highlights	
♦	Total funding increases by \$132,000 over the base budget due to: <ul style="list-style-type: none"> • Statewide present law adjustments • HB 447 pay plan increases

Funding

This program is funded primarily with general fund. The library recovers certain costs by charging fees for copies, faxes, and the rental of audio/video cassettes. These fees are deposited into the general fund.

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget made by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Legislative decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments										
-----Fiscal 2006-----						-----Fiscal 2007-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					26,123					25,764
Inflation/Deflation					(40)					(39)
Inflation/Deflation					17,310					25,965
Fixed Costs					(410)					(410)
Total Statewide Present Law Adjustments					\$42,983					\$51,280
Grand Total All Present Law Adjustments					\$42,983					\$51,280

New Proposals

New Proposals										
-----Fiscal 2006-----						-----Fiscal 2007-----				
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 6010 - 2007 Biennium Pay Plan - HB 477										
03	0.00	10,377	0	0	10,377	0.00	27,034	0	0	27,034
Total	0.00	\$10,377	\$0	\$0	\$10,377	0.00	\$27,034	\$0	\$0	\$27,034

DP 6010 - 2007 Biennium Pay Plan - HB 477 - The legislature passed a pay plan in HB 447 that provides an additional 3.5 percent (or \$1,005, whichever is greater) in FY 2006 and an additional 4.0 percent (or \$1,188, whichever is greater) in FY 2007, as well as \$46 per month in insurance contributions in calendar 2006 and an additional \$51 per month in calendar 2007. These amounts represent the program's allocation of costs to fund this pay plan.

Proprietary Program Description

Law Library Enterprise Fund – The Law Library provides LEXIS access to approximately 30 LEXIS users. LEXIS is a legal search engine used to research case law by leading the user to numerous cases on selected subjects. It makes research more efficient and less time consuming. The Law Library purchases a bundle of licenses from LEXIS at a rate that is less expensive than purchasing a single license. The law library is billed by LEXIS monthly and, in turn, bills this service to approximately 30 users. These users include other state agencies, county attorneys, public defenders, and certain city and limited court judges. The rate set by the library for billing users is a simple average of the total cost divided by the number of users.

Proprietary Revenues and Expenses

The revenue is the amount collected from the library's customers and the expense is the invoice from LEXIS.

Program Legislative Budget

The following table summarizes the total legislative budget for the program by year, type of expenditure, and source of funding. Also included in the table is House Bill 447 pay plan allocation.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	295.68	0.00	6.95	302.63	0.00	8.95	304.63	304.63
Personal Services	16,262,315	792,697	791,878	17,846,890	756,065	1,687,576	18,705,956	36,552,846
Operating Expenses	10,509,709	1,529,314	1,311,828	13,350,851	1,938,364	(7,023,842)	5,424,231	18,775,082
Equipment	0	0	0	0	0	0	0	0
Total Costs	\$26,772,024	\$2,322,011	\$2,103,706	\$31,197,741	\$2,694,429	(\$5,336,266)	\$24,130,187	\$55,327,928
General Fund	26,573,578	1,870,457	2,103,706	30,547,741	2,242,875	(5,336,266)	23,480,187	54,027,928
State/Other Special	198,446	(48,446)	0	150,000	(48,446)	0	150,000	300,000
Federal Special	0	500,000	0	500,000	500,000	0	500,000	1,000,000
Total Funds	\$26,772,024	\$2,322,011	\$2,103,706	\$31,197,741	\$2,694,429	(\$5,336,266)	\$24,130,187	\$55,327,928

Program Description

The District Court Operations Program is actually two programs: the District Court Operations Program and the District Court Assumption Program. Together these programs fund most of the costs of the state's district court operations that comprise the 22 judicial districts. These costs include the salaries, travel, and training costs for 42 district judges and the judges' law clerks, administrative personnel, and other support staff. The district court assumption program also funds public defender services provided in the district courts, including payments to seven county-managed public defender offices, payments to private attorneys for public defender services, payments for certain evaluations of individuals accused of a crime, private investigator services, and witness fees and expenses. This program does not fund the costs related to the clerks of court or other elected officials. District courts are general jurisdiction trial courts that have original jurisdiction in all criminal felony cases, civil matters, and cases of law.

Program Highlights

Judiciary District Court Operations Program Major Budget Highlights	
♦	<p>Total funding increased by \$4.4 million in FY 2006 and decreased by \$2.6 million in FY 2007 mostly due to:</p> <ul style="list-style-type: none"> Funding for public defender costs in FY 2006 of \$2.3 million Forensic psychiatric evaluations to determine a defendant's fitness to proceed of \$2.0 million for the biennium A decrease of \$8.1 million in FY 2007 due to the transfer of the public defender function and costs to the Office of The Public Defender 4.00 FTE and \$0.4 million to support a new judgeship in the 18th Judicial District for the biennium \$1.7 million from HB 447 pay plan increase for the biennium Federal funds increased by \$1.0 million mostly due to the approval of an appropriation for various federal grants

Funding

The following table shows program funding, by source, for the base year and the 2007 biennium as adopted by the legislature.

		Program Funding Table District Court Operation					
Program Funding		Base FY 2004	% of Base FY 2004	Budget FY 2006	% of Budget FY 2006	Budget FY 2007	% of Budget FY 2007
01000	Total General Fund	\$ 26,573,578	99.3%	\$ 30,547,741	97.9%	\$ 23,480,187	97.3%
	01100 General Fund	26,573,578	99.3%	30,547,741	97.9%	23,480,187	97.3%
02000	Total State Special Funds	198,446	0.7%	150,000	0.5%	150,000	0.6%
	02141 District Court Crim. Reimb.	71,439	0.3%	150,000	0.5%	150,000	0.6%
	02788 Acc. Cty Sick/Vacation Leave	127,007	0.5%	-	-	-	-
03000	Total Federal Special Funds	-	-	500,000	1.6%	500,000	2.1%
	03230 Fed Grant-Pass-Thru-Jud	-	-	500,000	1.6%	500,000	2.1%
Grand Total		\$ 26,772,024	100.0%	\$ 31,197,741	100.0%	\$ 24,130,187	100.0%

This program is primarily funded with general fund. Court accessed fines, fees, and forfeitures are deposited in the general fund. State special revenues from fees collected form the use of video conferencing equipment support community programs for youths and juvenile offenders involved in youth courts. Federal funding supports various grants in the judicial districts.

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget made by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Legislative decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments										
-----Fiscal 2006-----						-----Fiscal 2007-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					792,697					756,065
Inflation/Deflation					(6,621)					(6,510)
Fixed Costs					(6,475)					(6,475)
Total Statewide Present Law Adjustments					\$779,601					\$743,080
DP 6 - Court Recording Equipment										
0.00	34,495		0	0	34,495	0.00	0	0	0	0
DP 4302 - Annualize Motor Pool Lease Costs - JPOs										
0.00	8,414		0	0	8,414	0.00	8,414	0	0	8,414
DP 4303 - Annualize Motor Pool Lease Costs - DC Judges										
0.00	10,543		0	0	10,543	0.00	10,543	0	0	10,543
DP 4511 - Restore Variable Cost Funding that was OTO										
0.00	838,958		0	0	838,958	0.00	1,282,392	0	0	1,282,392
DP 4512 - Misc. Federal Grants										
0.00	0	0	0	500,000	500,000	0.00	0	0	500,000	500,000
DP 4516 - Youth Courts-Community Programs/Video Conferencing										
0.00	0	150,000		0	150,000	0.00	0	150,000	0	150,000
Total Other Present Law Adjustments										
0.00	\$892,410	\$150,000	\$500,000	\$1,542,410		0.00	\$1,301,349	\$150,000	\$500,000	\$1,951,349
Grand Total All Present Law Adjustments					\$2,322,011					\$2,694,429

DP 6 - Court Recording Equipment - The legislature approved \$34,495 in FY 2006 for the purchase of recording systems for three judicial districts at a cost of \$10,000 per unit and \$4,495 to purchase real-time equipment and software. The legislature approved this request as one-time-only, restricted, and biennial.

DP 4302 - Annualize Motor Pool Lease Costs - JPOs - The legislature approved \$8,414 in general fund in each fiscal year of the 2007 biennium on top of a FY 2004 base of \$9,864 to annualize the cost of motor pool leases for juvenile probation officers. The leases have not been in effect the entire year and some of the juvenile probation officers did not have a leased vehicle the entire year.

DP 4303 - Annualize Motor Pool Lease Costs - DC Judges - The legislature approved \$10,543 in general fund in each fiscal year of the 2007 biennium on top of the FY 2004 base of \$8,939 to annualize the cost of motor pool leases for judges. The leases have not been in effect the entire year because not all judges had a leased vehicle the entire year. Therefore, there is only a partial year lease cost in the base year. The addition provides funding for eight vehicles.

DP 4511 - Restore Variable Cost Funding that was OTO - The legislature approved \$838,958 of general fund in FY 2006 and \$1,282,392 in FY 2007 for variable costs in the district court assumption program. The 2003 Legislature provided up to \$1,800,000 of authority for district court expenses to be funded with 2003 biennium general fund reverted appropriations branch wide. The Judiciary did use approximately \$1.0 million of this authority; however, it was removed from the base during the budgeting process because it was identified as a one-time-only expenditure. The funds were added back into the base to recognize the increased expenditures for public defender services in district court cases.

DP 4512 - Misc. Federal Grants - The legislature approved \$500,000 of federal appropriation authority per fiscal year for various federal grants. Currently, some counties continue to administer federal grants for the youth courts. The Legislative Audit Division has indicated that these activities should be recorded on the state accounting system.

DP 4516 - Youth Courts-Community Programs/Video Conferencing - The legislature approved \$150,000 per fiscal year of state special revenue authority for fees collected in Youth Courts and for video conferencing services. Youth Courts collect monies from youths for costs of treatment and counseling. The previous legislature authorized \$150,000 per year but only \$71,438 was spent, so the legislature added \$78,562 of authority to restore the authority to \$150,000 in each year. The legislature also added \$75,000 per year of authority for video conferencing services. The branch charges attorneys and others to use video conferencing equipment. The fees collected are used to operate and maintain the equipment.

New Proposals

New Proposals										
Program	FTE	-----Fiscal 2006-----				-----Fiscal 2007-----				
		General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 1 - Min. Standards - Judicial Support Staff										
04	4.95	198,276	0	0	198,276	4.95	179,958	0	0	179,958
DP 10 - Judicial Education - Rest. Biennial										
04	0.00	50,000	0	0	50,000	0.00	50,000	0	0	50,000
DP 306 - Transfer Funding to Public Defender Program										
04	0.00	209,508	0	0	209,508	0.00	(8,093,435)	0	0	(8,093,435)
DP 308 - County Attorney Transcripts										
04	0.00	5,000	0	0	5,000	0.00	5,000	0	0	5,000
DP 311 - New Judgeship for Judicial District 18										
04	2.00	157,477	0	0	157,477	4.00	270,615	0	0	270,615
DP 4515 - Unfit to Proceed Costs										
04	0.00	1,000,000	0	0	1,000,000	0.00	1,000,000	0	0	1,000,000
DP 6010 - 2007 Biennium Pay Plan - HB 477										
04	0.00	483,445	0	0	483,445	0.00	1,251,596	0	0	1,251,596
Total	6.95	\$2,103,706	\$0	\$0	\$2,103,706	8.95	(\$5,336,266)	\$0	\$0	(\$5,336,266)

DP 1 - Min. Standards - Judicial Support Staff - The legislature approved \$378,234 in general fund for the biennium to hire 4.95 FTE to be distributed amongst the following jurisdictions:

- Law clerk and youth court administrative assistant for Deer Lodge/Powell/Granite
- Law clerk and court administrator for Beaverhead/Madison/Jefferson
- Law clerk for Flathead
- Law clerk and administrative assistant for Garfield/Treasure/Rosebud/Custer/Powder River/Fallon/Carter

- Law clerk for Sanders/Lake
- Youth court administrative assistant for Judith Basin/Fergus/Petroleum

DP 10 - Judicial Education - Rest. Biennial - The legislature approved \$100,000 during the biennium for judicial education. This funding will be both restricted and biennial. This proposal provides funding for:

- Training and travel for one out of state conference per year for each of the justices, the District Court judges, the Water Court judge and the Workers Compensation judge
- Training and travel for two new judges to attend the General Jurisdiction Conference at the National Judicial College in Reno, Nevada
- National speakers at the Montana Judges Association and the Courts of Limited Jurisdiction conferences

DP 306 - Transfer Funding to Public Defender Program - The legislature approved the establishment of a Statewide Public Defender Office as per SB 146. The District Court Operations program receives \$209,508 in FY 2006 and transfers \$8,093,435 of its variable cost funding to this office in FY 2007. The FY 2006 funding is to provide public defender services to indigent parents in child abuse and neglect cases.

DP 308 - County Attorney Transcripts - The legislature approved \$5,000 of general fund in each fiscal year of the biennium to fund costs related to transcripts requested by county attorneys or the attorney general when appealing district court rulings in a criminal trial.

DP 311 - New Judgeship for Judicial District 18 - The legislature approved a new judgeship for the 18th Judicial District. This includes general fund of \$157,477 and 2.00 FTE in FY 2006 and general fund of \$270,615 and 4.00 FTE in FY 2007.

DP 4515 - Unfit to Proceed Costs - The legislature approved \$1,000,000 in general fund in each fiscal year of the biennium to pay for forensic psychiatric evaluations. These evaluations are necessary when a defendant is committed to the Montana State Hospital at Warm Springs under a district court order to determine the fitness of that individual to proceed in a criminal case against that individual. The Department of Public and Health and Human Services (DPHHS) discovered that for several years they had not been billing for these evaluations and have decided that they will bill the branch beginning in FY 2005 and thereafter. There is no net impact to the general fund, as DPHHS will deposit all assessments to the general fund.

DP 6010 - 2007 Biennium Pay Plan - HB 477 - The legislature passed a pay plan in HB 447 that provides an additional 3.5 percent (or \$1,005, whichever is greater) in FY 2006 and an additional 4.0 percent (or \$1,188, whichever is greater) in FY 2007, as well as \$46 per month in insurance contributions in calendar 2006 and an additional \$51 per month in calendar 2007. These amounts represent the program's allocation of costs to fund this pay plan.

Program Legislative Budget

The following table summarizes the total legislative budget for the program by year, type of expenditure, and source of funding. Also included in the table is House Bill 447 pay plan allocation.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	11.00	0.00	6.50	17.50	0.00	7.00	18.00	18.00
Personal Services	568,454	94,239	337,851	1,000,544	93,369	380,054	1,041,877	2,042,421
Operating Expenses	104,502	(5)	99,527	204,024	(5)	89,758	194,255	398,279
Total Costs	\$672,956	\$94,234	\$437,378	\$1,204,568	\$93,364	\$469,812	\$1,236,132	\$2,440,700
State/Other Special	672,956	94,234	437,378	1,204,568	93,364	469,812	1,236,132	2,440,700
Total Funds	\$672,956	\$94,234	\$437,378	\$1,204,568	\$93,364	\$469,812	\$1,236,132	\$2,440,700

Program Description

The Water Courts Supervision Program, located in Bozeman, adjudicates claims of existing water rights in Montana and supervises the distribution of water among the four water divisions of the state, as defined in 3-7-102, MCA.

Program Highlights

Judiciary Water Courts Supervision Major Budget Highlights	
♦	State special revenue increases by \$1.1 million over the base budget mostly due to: <ul style="list-style-type: none"> • An addition of 7.00 FTE and \$0.8 million to accelerate the water adjudication process • \$0.1 million for HB 447 pay plan increases • Statewide present law adjustments

Funding

The following table shows program funding, by source, for the base year and the 2007 biennium as adopted by the legislature.

Program Funding Table Water Courts Supervision							
Program Funding		Base FY 2004	% of Base FY 2004	Budget FY 2006	% of Budget FY 2006	Budget FY 2007	% of Budget FY 2007
02000	Total State Special Funds	\$ 672,956	100.0%	\$ 1,204,568	100.0%	\$ 1,236,132	100.0%
	02272 Renewable Resources Grnt/Loans	672,956	100.0%	787,878	65.4%	819,442	66.3%
	02431 Water Adjudication	-	-	416,690	34.6%	416,690	33.7%
Grand Total		<u>\$ 672,956</u>	<u>100.0%</u>	<u>\$ 1,204,568</u>	<u>100.0%</u>	<u>\$ 1,236,132</u>	<u>100.0%</u>

This program is funded with state special revenue from the renewable resource grant and loan account. These accounts include the resource indemnity and ground water assessment (RIGWA) tax, as well as interest earnings on the resource indemnity trust (RIT). This program is also funded with a fee charged to the holders of water rights that is used to fund the acceleration of the water rights adjudication process.

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget made by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Legislative decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments										
-----Fiscal 2006-----						-----Fiscal 2007-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					94,239					93,369
Inflation/Deflation					(5)					(5)
Total Statewide Present Law Adjustments					\$94,234					\$93,364
 Grand Total All Present Law Adjustments					\$94,234					\$93,364

New Proposals

New Proposals										
-----Fiscal 2006-----						-----Fiscal 2007-----				
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 307 - Accelerate Water Adjudication Process										
05	6.50	0	416,690	0	416,690	7.00	0	416,690	0	416,690
DP 6010 - 2007 Biennium Pay Plan - HB 477										
05	0.00	0	20,688	0	20,688	0.00	0	53,122	0	53,122
Total	6.50	\$0	\$437,378	\$0	\$437,378	7.00	\$0	\$469,812	\$0	\$469,812

DP 307 - Accelerate Water Adjudication Process - The legislature approved \$416,690 in FY 006 and \$416,690 in FY 2007 in state special revenue to fund the acceleration of the water adjudication process in the state.

DP 6010 - 2007 Biennium Pay Plan - HB 477 - The legislature passed a pay plan in HB 447 that provides an additional 3.5 percent (or \$1,005, whichever is greater) in FY 2006 and an additional 4.0 percent (or \$1,188, whichever is greater) in FY 2007, as well as \$46 per month in insurance contributions in calendar 2006 and an additional \$51 per month in calendar 2007. These amounts represent the program's allocation of costs to fund this pay plan.

Program Legislative Budget

The following table summarizes the total legislative budget for the program by year, type of expenditure, and source of funding. Also included in the table is House Bill 447 pay plan allocation.

Program Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	5.50	0.00	0.00	5.50	0.00	0.00	5.50	5.50
Personal Services	335,164	10,599	9,459	355,222	9,565	24,471	369,200	724,422
Operating Expenses	35,545	6,185	0	41,730	7,177	0	42,722	84,452
Total Costs	\$370,709	\$16,784	\$9,459	\$396,952	\$16,742	\$24,471	\$411,922	\$808,874
General Fund	370,709	16,784	9,459	396,952	16,742	24,471	411,922	808,874
Federal Special	0	0	0	0	0	0	0	0
Total Funds	\$370,709	\$16,784	\$9,459	\$396,952	\$16,742	\$24,471	\$411,922	\$808,874

Program Description

The Clerk of Court Program performs support and operational duties for the Supreme Court, as outlined in Title 3, Chapter 2, part 4, MCA. The program keeps the court records and files, issues writs and certificates, approves bonds, files all papers and transcripts, and performs other duties as required.

Program Highlights

Judiciary Clerk of Court Major Budget Highlights	
♦	Total funding increases about \$67,500 over the base budget mostly due to: <ul style="list-style-type: none"> • An adjustment for additional storage space for court records • HB 447 pay plan increases • Statewide present law adjustments

Funding

This program is funded with general fund.

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget made by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Legislative decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments										
-----Fiscal 2006-----						-----Fiscal 2007-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					10,599					9,565
Inflation/Deflation					(19)					(18)
Fixed Costs					(787)					(787)
Total Statewide Present Law Adjustments					\$9,793					\$8,760
DP 222 - Restore Clerk of Court Operating Budget										
	0.00	6,000	0	0	6,000	0.00	6,000	0	0	6,000
DP 6001 - Records Storage										
	0.00	991	0	0	991	0.00	1,982	0	0	1,982
Total Other Present Law Adjustments										
	0.00	\$6,991	\$0	\$0	\$6,991	0.00	\$7,982	\$0	\$0	\$7,982
Grand Total All Present Law Adjustments					\$16,784					\$16,742

DP 222 - Restore Clerk of Court Operating Budget - The legislature approved a general fund increase of \$6,000 in FY 2006 and \$6,000 in FY 2007. These funds will be used to bring this budget to the FY 2004 level.

DP 6001 - Records Storage - The legislature approved \$991 for FY 2006 and \$1,982 for FY 2007 for a total of \$2,973 for the 2007 biennium for records storage. Section 3-2-402, MCA requires that the Clerk of the Supreme Court be responsible for the retention of Supreme Court records. The clerk's vault has capacity to house approximately three calendar years of Supreme Court case files. At the end of June 2004, the clerk's vault reached its storage capacity and the clerk is preparing to transfer closed cases from the years 2001 and 2002 to Records Management under the Secretary of State. The clerk estimates that 560 additional boxes of information would be transferred to the Records Management facility, which charges a storage fee for each box.

New Proposals

New Proposals										
-----Fiscal 2006-----						-----Fiscal 2007-----				
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 6010 - 2007 Biennium Pay Plan - HB 477										
06	0.00	9,459	0	0	9,459	0.00	24,471	0	0	24,471
Total	0.00	\$9,459	\$0	\$0	\$9,459	0.00	\$24,471	\$0	\$0	\$24,471

DP 6010 - 2007 Biennium Pay Plan - HB 477 - The legislature passed a pay plan in HB 447 that provides an additional 3.5 percent (or \$1,005, whichever is greater) in FY 2006 and an additional 4.0 percent (or \$1,188, whichever is greater) in FY 2007, as well as \$46 per month in insurance contributions in calendar 2006 and an additional \$51 per month in calendar 2007. These amounts represent the program's allocation of costs to fund this pay plan.